

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22370 of 2018

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1. Rani Kumari Wife of Pappu Kumar Sharma, Resident of Village- Kharadi Tola Minapur, P.S.- Hajipur, District- Vaishali.
 2. Shambhavi Preyasi, D/o Sitaram Singh, Resident of Village + P.O.- Kutaut, P.S.- Barbiga, District- Sheikhpura.
 3. Raj Kumar, Son of Manoj Kumar, Resident of Village- Rampurwa Tolachapariya, P.S.- Rampurwa, District- East Champaran.

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Inspector General of Police (Headquarter), Patna.
5. The Bihar Public Sub-ordinate Service Commission through its Secretary, Santosh Manson, B- Block, Raghunath Path, Danapur, Patna.
6. The Officer on Special Duty, Bihar Police Sub-Ordinate Service Commission, Santosh Manson, B- Block, Raghunath Path, Danapur, Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Santosh Kumar
For the State	:	Md. N.H. Khan- SC1
For the BPSC	:	Mr. Sanjay Pandey with Mr. Nishant Kumar Jha, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 12-07-2022 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the Bihar Public Service Commission (for short ‘the Commission’).

2. The learned counsel for the respondent-Commission, relying upon decision of this Court, in case of ***Ritu Kumari vs. The State of Bihar & Ors.*** in LPA No. ***895 of 2014***, submits that the petitioners have no case.



3. It is submitted that the Commission has given specific instruction that the petitioners have availed even the remedy of appeal and, therefore, there is no occasion for them to claim any further re-measurement of their height. This Court would take into consideration decision of the Division Bench in case of **Ritu Kumari** (supra), relevant extract of which reads as follows:-

“In view of the fact that the writ petitioner-appellant was found, upon examination, as indicated in the impugned order, dated 22.04.2014, short of the required height, her writ petition has been dismissed.

It has, however, been brought to our notice that at different points of time, the writ petitioner-appellant was found to have different measurements of height and it is, therefore, argued before us that since there is variation in the determination of the correct height of the petitioner-appellant, writ petition ought to have been allowed.

What is the height of the petitioner-appellant and whether her height is of required standard or not are questions of fact and have to be decided by recording evidence.

Logically, therefore, a writ petition is not an appropriate course of remedy in the context of the facts of the present case.”

4. Having considered the settled legal position, this Court would take note of the fact that today is the second day when the matter has been listed and there is no representation on behalf of the petitioners.

5. Without going into the merits of the issue, the



application is dismissed for want of prosecution.

(Madhuresh Prasad, J)

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